

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

ANTHONY R. LALA,

Plaintiff,

v.

CHERYL PRICE, et al.,

Defendants.

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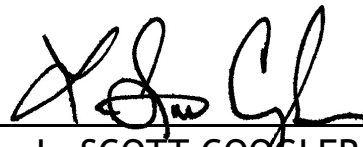
Case No.: 7:05-cv-1356-LSC-JEO

ORDER

In accordance with Memorandum of Opinion entered contemporaneously herewith, the magistrate judge's report is hereby ADOPTED and the magistrate judge's recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are genuine issues of material fact with regard to the plaintiff's claim that Defendant Austin, Causey, Mills, and Wormleys' actions, in their individual capacities, violated his Eighth Amendment right to be free from excessive force. As such, Defendant Austin, Causey, Mills, and Wormley's motion for summary judgment is due to be DENIED.

The Court also EXPRESSLY FINDS that the plaintiff's: (1) Eighth Amendment excessive force claim against Defendant Price; (2) Fourteenth Amendment equal protection and due process claims; and (3) claims against the Bibb County Correctional Facility are due to be **DISMISSED** for failure to state a claim.

Done this 21st day of August 2008.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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